



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 674th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 10 January 2001, at 3 p.m.

Chairperson: Ms. OUEDRAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Liechtenstein (continued) (CRC/C/61/Add.1; CRC/C/Q/LIE/1; written replies of the Government of Liechtenstein to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, Mr. Frick and Mr. Büchel (Liechtenstein) resumed places at the Committee table.
2. Mr. FRICK (Liechtenstein) said that Liechtenstein had not withdrawn its reservation to article 10 of the Convention, because there was still one category of foreigners who could work in the country but were not guaranteed family reunification.
3. With regard to international conventions, Liechtenstein was not a signatory of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, but had signed the European Convention on Adoption of Children. For the time being, it had not signed the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, but it had signed the United Nations Convention against Transnational Organized Crime and was considering signing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
4. Prostitution did not exist in Liechtenstein.
5. Referring to article 12 of the Convention, she said that Liechtenstein law did not yet contain procedural rules enabling a child to be heard in any judicial or administrative proceeding, and that the normal rules of the Civil Code applied.
6. Currently, there was a difference in the age of legal consent for heterosexual and homosexual relations. However, Liechtenstein was adapting its legislation to Austrian law, on which, for historical reasons, the law of Liechtenstein was based.
7. In court cases, judges were required to hear the child's opinion and, if they decided against it, to justify their decision. As of 14 years of age, children had the right to be a party in one specific court case: transfer of legal custody.
8. In the case of artificial insemination, the question of the identity of the father had not been settled by law as yet. In general, the father was presumed to be the woman's husband or companion, or else was defined as 'unknown'. Adopted children had the right to consult the adoption file and learn the names of their birth parents when they attained 18 years of age.
9. There were only two ways of obtaining a divorce: by mutual consent, where the marriage was simply dissolved or by court proceedings, where, if an agreement could not be reached, the judge would order a three-year separation, after which divorce was automatic.

10. Officially, doctors were not obliged to inform the authorities when cases of child abuse came to their attention. However, in practice, matters were different. If a case went to court, the doctor was required to testify.
11. According to current Liechtenstein legislation, nationality was given to children under 10 years of age who were adopted, but not to those who were over 10 years old; that provision needed to be revised as it was not in line with the practice in neighbouring countries. Adopted children who were given Liechtenstein nationality lost their nationality of origin.
12. The law did not provide for a specific procedure in the case of a girl becoming pregnant through rape. Currently, abortion was only legal by medical indication; however, once again, that was different in practice. To date, no one had been convicted owing to abortion.
13. With regard to inter-ministerial coordination, the Government met regularly, once a week, in formal sessions. All decisions were taken by consensus, so each member of the Government had to take a stand on every subject. Then the Minister in charge of the respective portfolio reported to Parliament.
14. Mr. BÜCHER (Liechtenstein), referring to the consumption of alcohol, said that Liechtenstein had a monitoring system in place, through the police and social workers, who inspected places that sold alcohol to ensure that it was not sold to minors. Suppliers who did not respect the law were punished, but not the young people who consumed alcohol. Every restaurant had to sell at least one non-alcoholic beverage cheaper than the cheapest alcoholic drink.
15. In the case of orphans, Liechtenstein endeavoured to find a specific solution for each case. At times, that involved paying a professional person to look after them, and only occasionally was an orphan put into an institution or a specialized home.
16. Youth commissions were local organizations that managed youth problems at the community level. Their tasks were not specified by law. The Youth Council was responsible for the whole country and dealt with problems and conflicts where children were involved; it took decisions and provided funds for actions. The Office for Social Services provided counselling and funding for youth programmes.
17. Mr. DOEK drew the attention of the Government of Liechtenstein to the possibility of withdrawing its reservation to article 10. Liechtenstein's legislation on nationality, as described in the report, did not appear to be incompatible with article 10, which required States to deal with family reunification humanely and expeditiously but did not make it obligatory.
18. It would be useful to have further information about the situation of children after a divorce. Although they usually remained with the mother, did fathers retain joint custody and did they have visiting rights? Did the children themselves play a specific role, depending on their age? For example, did they have the right to approach the judge to file a petition for a change in custody?

19. He asked about the role of doctors in reporting any knowledge they might have of child abuse and neglect. In cases of abuse, the report placed emphasis on the penalties under the Penal Code. As child victims were usually the only witnesses in criminal proceedings for child abuse, further information would be appreciated on how they were interviewed and whether they had to appear in court.

20. Paragraph 145 of the report stated that there was only one institutional facility for adolescents 14 to 16 years of age in Liechtenstein. It was unclear what happened in the case of younger children who had to be removed from their homes; were they always put into foster homes or were arrangements made to place them in a residential facility in a neighbouring country?

21. According to paragraph 231 of the report, persons under the age of 14 were not competent to stand trial. Further information would be welcome on what happened in the case of children of 12 or 13 years of age who were caught shoplifting or repeatedly stealing at school, for example.

22. According to the written replies, the sentencing of juveniles was divided into two categories: minor offences under penalty of less than six months of imprisonment or a fine and more serious offences under penalty of more than six months of imprisonment. However, the most usual type of penalty was some form of sanction. Were fines common and was there a specific body in charge of monitoring community service and probation orders?

23. It was reported that between 1997 and 1999, only one person under the age of 18 had been deprived of liberty. In view of the principle that juvenile and adult prisoners should be separated, where was that person imprisoned?

24. Mr. FRICK (Liechtenstein) said that to the best of his knowledge, under the new divorce law parental authority could be exercised either jointly or by one of the divorcees, and children had the right to approach the judge and file a petition if they wished to contest decisions relating to custody. In cases involving children under the age of 10, priority was always given to finding placement in a family in Liechtenstein. If that was not possible they could be placed in the country's specialized institution but they would never be sent out of the country. Cases of sexual abuse brought before the courts were heard by a designated judge, who worked with the assistance of social workers, including at least one person of the same sex as the victim. To the extent possible, discussions were held outside of the courtroom and in a private setting, and if policemen attended they were not in uniform.

25. Mr. BÜCHEL (Liechtenstein), said that a new working group on sexual abuse had been established for the management of sexual abuse cases.

26. Mr. FRICK (Liechtenstein), said that children under the age of 14 bore no legal responsibility. If such a child committed an offence, the parents would be held responsible. There were no juvenile detention facilities in Liechtenstein. In the past five years, only two cases had been recorded in which juvenile offenders had had to be detained, one involving repeated robbery and the other drug dealing. Liechtenstein had entered into agreements with

Austria and neighbouring Swiss cantons to arrange for the incarceration in their juvenile detention centres of minors arrested in Liechtenstein, but such agreements were invoked only as a last resort.

27. Mr. BÜCHEL (Liechtenstein) said that in the event of relatively minor offences, a system of probation was used for both adults and children.

28. Ms. KARP, noting that Liechtenstein was in the process of adopting Austrian practice in setting the legal age for consent in homosexual relationships, said that Austria had itself been under pressure from the Council of Europe to change its legislation in order to eliminate gender-based discrimination. The Austrian Government had attempted to amend its legislation, but had apparently failed. It was a matter of concern that the Government of Liechtenstein was following a model which was the subject of some debate. The replies to the list of issues lacked statistical information on the workings of the juvenile justice system, including the kinds of penalties which had been imposed on minors, recidivism rates and the number of judgements handed down. There was also a lack of statistical information on rape, teenage pregnancy and adolescent health. Perhaps the Government should consider evaluating its data collection system with a view to making it more effective and bringing it into line with the Convention.

29. Was the Government's assertion that there was no prostitution in Liechtenstein based on research, or simply on appearances? Had any studies been carried out in that regard? It was somewhat difficult to believe that a prosperous country with a great deal of tourism would have no prostitution.

30. Had legislation been adopted to cover the problem of domestic violence? If not, what obstacles stood in the way of its adoption? She noted that there were just 19 places provided in shelters for victims of domestic violence who had to flee their homes and asked whether that was sufficient. Were any non-governmental organizations (NGOs) requesting further Government support in that regard?

31. When children from Liechtenstein were incarcerated in Austria, did they encounter language difficulties or problems in educational or social integration owing to the fact that they were detained in another country? Were their parents provided with any assistance to permit them to visit? According to the written replies, in 1999, 28 persons between 14 and 18 covered by the provisions of the Juvenile Court Act had been accused of acts carrying penalties of more than six months' imprisonment, and 38 had been sentenced. Could the delegation explain why the number sentenced was higher than the number accused?

32. According to the written replies nearly 50 per cent of 19- and 20-year olds smoked marijuana. Was that figure accurate, and was consumption of cannabis common among adults as well?

33. Ms. MOKHUANE said that she was somewhat surprised at the picture painted by the report and written replies, according to which adolescents in Liechtenstein were extraordinarily well-integrated. That contrasted with the normal image of adolescents, who were universally considered to be in a period of storm and stress, with a predilection for risk. There was little in the report to indicate that adolescents in Liechtenstein took such risks. For example, very few

cases of teenage pregnancy had been reported, and sexually transmitted diseases such as chlamydia, which were common in developed countries, were apparently not a problem. What accounted for the homogeneity and high level of integration among adolescents?

34. Mr. FRICK (Liechtenstein) said that he would transmit to his Government Ms. Karp's comment concerning Austrian law and the legal age for sexual consent. When drafting laws the Government generally paid attention first and foremost to its obligations under European structures such as the Council of Europe or the European Economic Area (EEA), and often followed the practice in neighbouring countries. As the General Civil Code was based on Austrian law, Austrian practice often served as a model.

35. Admittedly, there was a lack of statistical data in the report, perhaps owing to the fact that in a small country the population felt less of a need for such information than in larger States. Some statistics had, however, been compiled, for example for the Council of Europe and EEA, and he would ask the Government to make more use of them in future reports.

36. No studies had been done on prostitution in Liechtenstein. However, the country's small size meant that it would be impossible to keep any such activity secret for long, and bars of that nature were illegal. Consequently, those concerned went further afield to look for prostitution in neighbouring Austrian or Swiss towns.

37. Referring to domestic violence, he said that new legislation gave judges the power to order an offender out of the family home, allowing victims to remain in their original place of residence. For many years, the Government had provided financial support to a privately-run home for abused women and children.

38. Mr. BÜCHEL (Liechtenstein) said that the home in question, which could accommodate up to 90 people, was sufficient to meet demand, as only five cases of women suffering from domestic violence were reported each year in Liechtenstein. The remaining places were filled by women from Switzerland.

39. Ms. KARP asked to what extent the small number of reported cases of domestic violence could be due to the reluctance of victims to denounce their aggressors. Were such situations openly discussed in Liechtenstein?

40. Mr. BÜCHEL (Liechtenstein) said that although some cases of abuse clearly remained undiscovered, the issue of domestic violence had ceased to be taboo for several years. Most victims now sought help from counsellors or moved into the available sheltered accommodation.

41. Mr. FRICK (Liechtenstein), referring to questions concerning juvenile justice, said that the law required imprisoned minors to be provided with the means of continuing their education. The two individuals serving sentences in Austria had not encountered a language problem, since German was a common language between the two countries. He confirmed that should parents have difficulty visiting their offspring in prisons abroad, help would be made available, but in reality the distances were small enough to make that unlikely. At no point in Liechtenstein was it possible to be further than three kilometres from the border.

42. In reply to a question concerning an incongruity in the recent statistical data on juvenile sentencing, he said that the number of persons sentenced in 1999 for a period of over six months would appear to be a typing error.

43. Mr. BÜCHEL (Liechtenstein), referring to the data on marijuana use among young people, said that the figure of 50 per cent corresponded to the proportion of young people who had ever tried the drug, and not the number of regular users. Therefore it was neither unusual nor remarkable.

44. Mr. FRICK (Liechtenstein) said that he had been pleasantly surprised by the recent study confirming the extent of young people's satisfaction with their status in society. Most young people were optimistic about their future, in view of the absence of poverty and unemployment, the high standard of living and the extensive social and career-related opportunities. The problem of teenage pregnancies was virtually non-existent and the health-care system was well above average. Those people not going on to university study were catered for by a successful apprenticeship scheme for 16- to 20-year olds. Consequently, young professionals were consistently competitive at the international level.

45. Mr. RABAH, referring to paragraph 70 of the report, asked why the mother was always given custody of a child born out of wedlock. Did that not amount to discrimination against fathers? With regard to paragraph 130, he failed to understand why, in divorce proceedings, the child currently had no right to be heard. Since there were no adoption agencies in Liechtenstein, under what conditions and by what means could prospective adoptive parents seek to adopt abroad? Lastly, he understood that sexual abuse was punishable by imprisonment, but what provision was made for the treatment of victims?

46. Ms. RILANTONO asked whether there was a danger of complacency as young people were evidently so satisfied with their situation. It would be interesting to hear how the delegation thought globalization would affect its country's competitiveness, and whether talented young people tended to move abroad to further their careers.

47. Mr. DOEK asked what possibility existed for students in primary and secondary education to participate in the affairs of their respective schools. With regard to the extent of satisfaction among young people, a recent survey conducted in the Netherlands had also revealed a remarkably positive outlook among adolescents, particularly when asked about relationships with their parents. In fact, some psychologists had expressed concern about such a lack of conflict in the adolescent period, predicting that an urge for conflict might return later in life.

48. Mr. FRICK (Liechtenstein) said that when a child was born out of wedlock and the parents lived together, there was no question of discrimination against the father. It was only when the parents did not live together that the baby would stay with its mother. He failed to see the element of discrimination in that situation.

49. Mr. RABAH said that it was discriminatory in itself to give priority to the mother in such situations, particularly when she might not have the capacity to look after a child.

50. Ms. KARP said that, irrespective of the issue of discrimination, the priority in determining which parent should be given custody should always be the best interests of the child. Did judges have the discretion to take those interests into account or was custody automatically given to the mother?

51. Mr. DOEK said that the law in most European countries provided for an unmarried mother to retain custody of her child. The courts should not become involved unless there was a suggestion that the mother was not fit to raise the child.

52. Mr. BÜCHEL (Liechtenstein) said that he could confirm that courts were empowered to take children away from parents who proved to be unfit.

53. Mr. FRICK (Liechtenstein) said that a single mother who was having difficulty raising a child for financial reasons would be entitled to State benefits.

54. In reply to a question concerning adoption, he confirmed that Liechtenstein did not have an agency of its own for contacting children abroad suitable for adoption. As in many other areas, there were not enough cases to justify such a body, and those concerned made use of agencies in Switzerland.

55. Mr. RABAH said that as in many other areas, such as the imprisonment of children abroad, he was concerned that it was not in the best interests of the child to be a long way from his or her parents. He was not against adoption, but was concerned that the appropriate controls should be in place.

56. Mr. BÜCHEL (Liechtenstein) said that foreign children were adopted through an office in Liechtenstein, so that a national authority was responsible for the monitoring of such cases. Only the initial contact with the child was made through agencies in Switzerland or elsewhere.

57. Mr. FRICK (Liechtenstein) said that the distances between Liechtenstein and the surrounding countries were so small that imprisonment abroad was not as important a step as it might sound.

58. Mr. BÜCHEL (Liechtenstein) said that the new working group on sexual abuse was responsible for the management of individual cases of abuse. Treatment for victims was provided free of charge either by private psychotherapists or by public and private counselling and therapeutic establishments.

59. Mr. FRICK (Liechtenstein), replying to Ms. Rilantono's question about globalization and the "satisfaction ratio" among young people, said that Liechtenstein was a heavily industrialized country with a high population growth rate, partly due to local immigration. Job vacancies, many of them in cutting-edge industries, had recently been increasing at an annual rate of 10 per cent and the employment prospects for young people were excellent. Almost 100 per cent of the country's industrial output was exported. The vast majority of students travelled abroad for higher education, mostly to Switzerland, Austria and Germany.

60. Mr. BÜCHEL (Liechtenstein) said that opportunities for participation by young people in the education system in Liechtenstein were as yet inadequate. There were no school councils but pupils were involved in setting up anti-violence programmes and other similar projects.

61. Ms. MOKHUANE asked whether the efforts to achieve greater involvement of adolescents in the work of the youth commissions referred to in paragraph 91 of the report had produced positive results.

62. Ms. KARP requested additional information, including any written material available in English, about programmes to eliminate violence in schools. Had the effectiveness of such programmes been evaluated?

63. Mr. FRICK (Liechtenstein) cited as an example of participation the reactivation of the "Youth Parliament", a project that had lain dormant for some 20 years.

64. Mr. BÜCHEL (Liechtenstein) said the youth commissions were free to co-opt young people and some of them had already done so. The authorities intended to involve young people and even children in the implementation of the new Youth Law. The idea of establishing school councils had been endorsed in a recent government-sponsored "child and youth report".

65. Mr. FRICK (Liechtenstein) said that some political parties had included very young candidates on their election lists but that it was not easy for a person under 20 years of age to get elected.

66. Mr. BÜCHEL (Liechtenstein) said that anti-violence programmes differed in terms of content and approach from school to school. The process of evaluating their success presented complex problems and there was unfortunately no written material available as yet in the English language. However, awareness of the issue had been considerably heightened among teachers, parents, politicians and young people themselves.

67. Ms. KARP, noting that such programmes were optional, suggested that it was the Government's responsibility to support the programmes and make them compulsory in cases where bullying and violence occurred on such a scale that pupils were reluctant to attend school.

68. Mr. BÜCHEL (Liechtenstein) agreed that the programmes should be compulsory. Any school that opted for the introduction of an anti-violence programme currently received public assistance, including suggestions for programme design.

69. A wide spectrum of services, including school-based psychologists, catered for children with behavioural problems. Teachers could call on the services of specialized supervisors and group therapeutic sessions were arranged where a number of children were involved.

70. Mr. DOEK, reviewing the Committee's dialogue with the delegation of Liechtenstein, said that some members found it hard to believe that a country with so few problems really existed. Perhaps the Government was not aware of the whole story, for example with regard to sexually transmitted diseases and prostitution. At all events, Liechtenstein was in a very privileged position, with a healthy economy, a sound democracy and sufficient funds to provide

generous services and to support families in difficulty. However, some aspects of the existing legislation needed closer consideration. He was happy to note the Government's willingness to look into possible discrimination between homosexuals and heterosexuals with regard to contacts based on consent as well as other forms of discrimination involving, for example, the nationality of adopted children.

71. He hoped that Liechtenstein would reconsider and withdraw its reservation to article 10 of the Convention.

72. He was not convinced that the country had developed the desirable level of awareness of the status of children as the holders of rights. A rights-based approach was needed in a number of areas such as youth participation at the community level and in the education system.

73. He urged Liechtenstein to ratify the International Labour Organization's Worst Forms of Child Labour Convention and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The fact that very few intercountry adoptions occurred in Liechtenstein and that there were very few cases of international child abduction was not a convincing argument against ratification, which was also a way of expressing solidarity with international efforts to regulate adoption and to eliminate the worst forms of child labour.

74. With regard to juvenile justice, he noted that only a limited number of children were in conflict with the law. However, a more concerted effort should be made to address the problem of juvenile delinquency in a manner that ensured full compliance with article 24 of the Convention.

75. Mr. FRICK (Liechtenstein) said that he had taken due note of the Committee's wide-ranging comments and would communicate them to the Government for thorough consideration.

76. The CHAIRPERSON commended the Government of Liechtenstein on its report and the delegation on its constructive dialogue with the Committee. She urged the State party to make the report and the Committee's concluding observations widely available to the general public. Lastly, she thanked Liechtenstein for ratifying the amendment to article 43, paragraph 2, of the Convention.

The meeting rose at 5.10 p.m.